

STATE OF WISCONSIN
Assembly Journal
Eighty-Ninth Regular Session

FRIDAY, April 27, 1990

The chief clerk makes the following entries under the above date:

522----- 355----- April 27, 1990
 665----- 356----- April 27, 1990
 413----- 357----- April 27, 1990

EXECUTIVE COMMUNICATIONS

State of Wisconsin
 Office of the Governor
 Madison

To the Honorable, the Assembly:

The following bills, originating in the assembly, have been approved, signed and deposited in the office of the Secretary of State:

Assembly Bill	Act No.	Date Signed
506 (partial veto) -----	285 -----	April 23, 1990
730 -----	286 -----	April 23, 1990
831 -----	287 -----	April 23, 1990
235 -----	292 -----	April 23, 1990
249 -----	293 -----	April 23, 1990
347 -----	294 -----	April 23, 1990
392 -----	295 -----	April 23, 1990
497 -----	296 -----	April 23, 1990
519 -----	297 -----	April 23, 1990
550 -----	298 -----	April 23, 1990
660 -----	299 -----	April 23, 1990
731 -----	300 -----	April 23, 1990
749 -----	301 -----	April 23, 1990
768 -----	302 -----	April 23, 1990
780 -----	303 -----	April 23, 1990
835 -----	304 -----	April 23, 1990
862 -----	305 -----	April 23, 1990
888 -----	306 -----	April 23, 1990
175 -----	316 -----	April 26, 1990
700 (partial veto) -----	317 -----	April 27, 1990
85 -----	320 -----	April 26, 1990
460 -----	321 -----	April 26, 1990
465 -----	322 -----	April 26, 1990
526 -----	323 -----	April 26, 1990
710 -----	324 -----	April 26, 1990
736 -----	325 -----	April 26, 1990
767 -----	326 -----	April 26, 1990
834 -----	327 -----	April 26, 1990
517 -----	337 -----	April 27, 1990
611 (partial veto) -----	338 -----	April 27, 1990
727 (partail veto) -----	339 -----	April 27, 1990
748 (partial veto) -----	340 -----	April 27, 1990
764 -----	341 -----	April 27, 1990
798 (partial veto) -----	342 -----	April 27, 1990
873 -----	343 -----	April 27, 1990
644 (partial veto) -----	351 -----	April 27, 1990
723 -----	352 -----	April 27, 1990

Respectfully submitted,
 TOMMY G. THOMPSON
 Governor

GOVERNOR'S VETO MESSAGE

April 23, 1990

To the Honorable Members of the Assembly:

I am partially vetoing **Assembly Bill 506**. This bill extends the requirement that local school districts provide remedial services to students in the fourth grade who do not perform satisfactorily on the third grade reading test. Currently students in kindergarten through third grade are covered.

I support the portions of the bill which require schools to provide remedial services to students who do not meet minimum reading standards. I feel very strongly that the instruction in reading is a fundamental responsibility of our schools, and that it is vitally important to ensure our students can read. We know that if children in the early grades do not have acceptable reading skills, they are unlikely to succeed in later school years. That is why in my 1989-91 biennial budget bill I proposed a similar follow-up requirement to the third grade reading test.

However, I am vetoing Sections le and lm of AB 506 which would provide sum sufficient funding for this remediation requirement. The open ended nature of the sum sufficient appropriation is not a prudent way to fund programs.

Respectfully submitted,
 TOMMY G. THOMPSON
 Governor

GOVERNOR'S VETO MESSAGE

April 27, 1990

To the Honorable Members of the Assembly:

I have approved **Assembly Bill 611** as 1989 Wisconsin Act 338, and deposited it in the Office of the Secretary of State. While the bill did not go as far in some areas as recommended by the Blue Ribbon Commission on Ethics, it does make a number of positive changes to Wisconsin's lobby laws and to the Code of Ethics which

address the concerns about ethical government raised by many people in recent years.

Transferring responsibility for lobby law administration and enforcement to the Ethics Board will provide officials, employees and lobbyists with a single source of consistent information about what they may, of may not, do.

The bill clarifies several provisions related to the prohibition against accepting things of value from a principal or lobbyist that have not been consistently enforced.

The bill requires greater disclosure of activities and expenditures by principals and lobbyists, and it contains provisions that will encourage a greater distance between individuals holding positions of public trust and those attempting to influence them.

I have exercised the partial veto power in three instances. Section 56 would repeal the statute which prohibits state agency officials and employees from making requests of the legislature for appropriations that exceed the agency's most recent biennial budget request. I vetoed a similar repeal of this statute in 1989 Wisconsin Act 31, and do so now for the same reasons.

I understand that the current statute is considered by many to be too harsh, particularly as it provides criminal penalties for a violation, and I would support certain efforts to revise these provisions. The sweep of the statute is further limited by First Amendment considerations when an official or employee is not on state time. However, an outright repeal of the statute would lead to situations in which it is not clear who has the authority to speak for an agency or to make funding requests on its behalf. Because that would be detrimental to an orderly budget process, executive administration, I am vetoing that section.

In another matter, under current law public officials who are required to file statements of economic interests must do so when they receive something of stated value for participating in a meeting. Sections 17 and 70 of the bill, as they affect ss. 13.625 (7) and 19.56 of the Statutes, substitute "program" for "meeting". I have vetoed this minor modification because I am uncertain what the term "program" may mean and I prefer the certainty of current law over the uncertainty of further ambiguity in this area of law.

Finally, I have vetoed a requirement under Section 77 (5) that the Ethics Board conduct a study of public interest lobbying participation, which is to include an evaluation of whether a fund should be established to compensate public interest lobbying groups which lack sufficient financial resources. A study of this variety should be conducted under legislative auspices, not by the Ethics Board.

Respectfully submitted,
TOMMY G. THOMPSON
Governor

GOVERNOR'S VETO MESSAGE

April 27, 1990

To the Honorable Members of the Assembly:

I have approved **Assembly Bill 644** as 1989 Wisconsin Act 351, and deposited it in the Office of the Secretary of State. I have exercised the partial veto in Sections 2, 3, 4, 5, 11, 13, 14, 15, and 16.

AB 644 provides \$13.3 million on fiscal year 1990-91 to expand the Healthy Start program which provides Medical Assistance (MA) coverage for low-income pregnant women and children. I favor expanding the program and payment rates to serve more pregnant women and children, and the bill contains some of the same provisions I had requested in the Department of Health and Social Services adjustment bill. The Legislature, however, expanded the Healthy Start program to levels that the state simply cannot afford. The bill's cost, if not vetoed, would have ballooned from \$13.3 million GPR in fiscal year 1990-91 to \$33.3 million GPR in fiscal year 1991-92, on top of the \$609.3 million GPR already budgeted for MA. The partial vetoes in this bill were meant to limit the expansion of this good program to affordable levels.

Section 4 and 5 expand the MA medically needy eligibility levels for pregnant women and children to age 6 from 135% of the federal poverty level to 165%. I am partially vetoing these sections because the full funding of its costs in fiscal year 1992 will further widen the gap between on-going spending and available revenues. With this veto, I am limiting the medically needy eligibility level expansion for pregnant women and children to age 6 to 155% of the federal poverty level.

Section 14 directs DHSS to increase the reimbursement rates paid to physicians for the provision of obstetric care by \$416 per pregnancy. I am partially vetoing this section because, while I would like to maintain the bill's payment levels at 75% of charges, the state's fiscal position may not permit it. I am directing the Department of Health and Social Services (DHSS) to increase physician obstetric rates to an amount that approximates 60% of physician's usual and customary charges. Establishing rates at 60% of charges should be sufficient to comply with recent obstetric services provisions included in the federal Omnibus Budget Reconciliation Act of 1989.

Sections 2, 3, 11, 15, and 16 create an MA support services benefit for pregnant women to help coordinate the prenatal care they receive. DHSS currently funds a pilot program providing this benefit in the City of Beloit and will fund additional pilots in other areas of the state beginning later this year. I am vetoing these provisions to await the evaluation of these pilots before adding this service as an MA-covered benefit.

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Section 13 requires DHSS to impose a monthly premium for MA Healthy Start coverage for persons in families whose income exceeds 150% of poverty. While I am generally in favor of recipient cost-sharing, I am vetoing this provision because it is unlikely that the premiums collected will be sufficient to cover the administrative costs of collecting the premium, let alone to help offset any costs of the Healthy Start expansion to 155% of poverty.

Based on these vetoes, I am requesting that the Department of Administration Secretary place \$9,079,300 GPR in fiscal year 1990-91 into unallotted reserve in appropriation s. 20.435 (1) (b) to lapse to the general fund at the end of the biennium.

I have been a proud supporter of Healthy Start since I signed it into law less than two years ago with a total budget of just \$3.1 million. I have also supported its continued expansion. Moreover, through my efforts, in December the state secured a federal demonstration project waiver that provides additional federal funding for Healthy Start for pregnant women and children to age 6 up to 155% of the federal poverty level. The total of state and federal funds budgeted for this program, including the additional \$4,170,900 to be expended under this bill, will still increase in FY91 from \$10.2 million to \$30.8 million as a result of my action on this bill. I am also proud that AB 644 will increase the number of persons eligible for Healthy Start from the current 5,200 to 45,700, including 30,200 children between the ages of 1 and 6.

Respectfully submitted,
TOMMY G. THOMPSON
Governor

GOVERNOR'S VETO MESSAGE

April 27, 1990

To the Honorable Members of the Assembly:

I have approved **Assembly Bill 700** as 1989 Wisconsin Act 317, and have deposited it in the Office of the Secretary of State. I have exercised the partial veto on sections 5 and 15 which relate to the rural hospital loan guarantee program. These sections describe the parameters under which the Wisconsin Health and Educational Facilities Authority (WHEFA) may guarantee loans to rural hospitals.

WHEFA, using certain criteria to be developed by rule by the Department of Development, would be authorized to guarantee up to \$5 million in loans for rural hospital physical plant improvement and equipment acquisition projects. Under these provisions, the state would recognize a moral obligation to make hospital loan payments in the event of defaults.

I am vetoing these provision because I do not favor expanding the state's moral obligation to support this program at this time. This exposes the state to additional

financial liabilities which must, in turn, be considered by the bond rating agencies and investors in evaluating the state's debt.

I believe the source for financing these loan guarantees--be it moral obligation debt or a larger loan guarantee fund--deserves further study. Therefore, I am directing the Rural Health Development Council to review this loan guarantee program as part of its deliberations, and within the parameters of the rural hospital loan fund as it has been established, to make recommendations on how this program might be modified. Moreover, I am directing the Department of Development to promulgate rules to provide WHEFA with the necessary flexibility and discretion in evaluating a project's financing under its current authority and in entering into a guarantee agreement under the rural hospital loan fund.

The veto removes statutory language stating that the Legislature recognizes its moral obligation to appropriate funding necessary to make full and timely payments on loans guaranteed under this program.

I am also directing the Council to recommend appropriate alternative programs which improve access for rural hospitals to affordable capital financing. The Council's recommendations may then be reviewed for inclusion in the 1991-93 biennial budget.

Respectfully submitted,
TOMMY G. THOMPSON
Governor

GOVERNOR'S VETO MESSAGE

April 27, 1990

To the Honorable Members of the Assembly:

I have approved **Assembly Bill 727** as 1989 Wisconsin Act 339, and have deposited it in the Office of the Secretary of State. I have exercised the partial veto to amend Section 13 and to eliminate Section 14.

Assembly Bill 727 will provide for two increases in register of deeds first page charges to provide a program revenue source for the Land Information Board's operations and grants to counties for land information activities. The fee increases of \$4 in 1990 and \$2 in 1991 sunset after June 30, 1996.

A county can retain \$2 of the first fee increase or \$4 of the additional fee if it establishes a land information office, or if the Board has approved a countywide land records modernization plan. If a county meets the criterion for retaining the fee, the remaining \$2 is then remitted to the state. If the county does not participate in the land modernization program, the state will receive the entire \$6 fee increase.

Other provisions require that the county plan receive Board approval, and that the Board establish a grant program to assist counties in modernizing their land records.

Wisconsin land information program will be strengthened immeasurably by these provisions, and will put the state on the road to modernizing its land records.

My veto to amend Section 13 will clarify that the positions authorized for the land information program are funded from program revenue rather than from general purpose revenue. My veto of Section 14 removes \$10,000 of general purpose revenue funding for the land information program since program revenue will be available.

Respectfully submitted,
TOMMY G. THOMPSON
Governor

GOVERNOR'S VETO MESSAGE

April 27, 1990

To the Honorable Members of the Assembly:

I have approved **Assembly Bill 748** as 1989 Wisconsin Act 340, and have deposited it in the Office of the Secretary of State. I have exercised my partial veto to amend Section 8.

As passed, AB 748 would have allowed the Real Estate Appraisers Board to retain special counsel, if the Department of Regulation and Licensing seeks judicial review of any final decision of the Board and the Attorney General does not represent the board. The expense of retaining special counsel would be funded out of the Department's general program operations appropriation, s. 20.165 (1) (g).

My partial veto to amend Section 8 eliminates the Real Estate Appraiser Board's power to retain special counsel. I am vetoing this provision because granting the Board the power to retain special counsel would be contrary to current state procedures for appointment of special counsel, as outlines in s. 14.11 (2), Wis. Stats. If the Attorney General is unable to represent a state agency, the Governor may appoint special counsel. This procedure provides for necessary administrative oversight of the employment of outside legal services by state agencies, since the Governor retains authority to appoint or consent to the appointment of special counsel.

Respectfully submitted,
TOMMY G. THOMPSON
Governor

GOVERNOR'S VETO MESSAGE

April 27, 1990

To the Honorable Members of the Assembly:

I have approved **Assembly Bill 798** as 1989 Wisconsin Act 342, and have deposited it in the Office of the Secretary

of State. Assembly Bill 798 creates a Business Development Initiative (BDI) program in the Department of Development (DOD) designed to provide employment opportunities to persons with severe disabilities. The program is modeled after an existing and very successful pilot program currently administered by DOD. Specifically the bill provides GPR funding and authorizes DOD to provide technical assistance and grants to individuals and businesses for the start-up or expansion of businesses that are likely to employ persons with severe disabilities. The bill also authorizes DOD to make grants to the Community Development Finance Company (CDFC) for short-term investments in businesses that are or will be at least 51% owned by handicapped persons or by non-profit organizations that provide services to handicapped persons.

I am partially vetoing AB 798 to eliminate the provision which was added by the Joint Committee on Finance to expand the target group for this program to minority group members. My veto will maintain the provision which gives preference to minority group members with severe disabilities. I believe my veto will maintain the original and overriding purpose of this program, which is to focus on the creation of jobs specifically for disabled individuals and particularly disabled individuals who are also minority group members. This administration has already implemented as broad array of significant initiatives to support and facilitate minority business investments. Among these initiatives are the Minority Business Development Fund in DOD, and the Small Business Loan Guarantee Program in the Wisconsin Housing and Economic Development Agency, which will guarantee up to \$5 million total in loans to minority owned small businesses.

I am also vetoing the provision in the bill which requires DOD to allocate at least one-third of the amount appropriated for grants to individuals and businesses to the CDFC for investments. I believe this provision places an unnecessary and arbitrary restriction on the program. My vetoes will maintain the authorization for DOD to make grants to the CDFC for investments in business ventures owned by handicapped individuals and organizations that serve handicapped individuals, but the amount allocated for these investments should be based on the demands of the program, not on an arbitrary amount defined by statute. By vetoing this provision, DOD will have the flexibility to allocate the funds in a manner which will maximize the creation of jobs for disabled individuals.

The Business Development Initiative is an exciting, innovative program that has demonstrated a proven track record of success in providing employment opportunities for severely disabled individuals and providing Wisconsin Businesses with top-notch employees. The dedication and hard work demonstrated by the disabled will provide role models for other

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disabled individuals and will serve as an example to prospective employers.

Respectfully submitted,
TOMMY G. THOMPSON
Governor

State of Wisconsin
Department of State
Madison

To Whom It May Concern:

Acts, joint resolutions and resolutions, deposited in this office, have been numbered and published as follows:

COMMUNICATIONS

State of Wisconsin
Department of State
Madison

To Whom It May Concern:

Acts, joint resolutions and resolutions, deposited in this office, have been numbered and published as follows:

Bill or Res. No.	Act No.	Publication date
Assembly Bill 856	185	April 24, 1990
Assembly Bill 218	186	April 24, 1990
Assembly Bill 277	187	April 24, 1990
Assembly Bill 316	188	April 24, 1990
Assembly Bill 516	189	April 24, 1990
Assembly Bill 656	190	April 24, 1990
Assembly Bill 722	191	April 24, 1990
Assembly Bill 451	193	April 26, 1990
Assembly Bill 452	194	April 26, 1990
Assembly Bill 453	195	April 26, 1990
Assembly Bill 927	196	April 26, 1990
Assembly Bill 4	197	April 27, 1990
Assembly Bill 35	198	April 27, 1990
Assembly Bill 229	199	April 27, 1990
Assembly Bill 305	200	April 27, 1990
Assembly Bill 400	201	April 27, 1990
Assembly Bill 456	202	April 16, 1990
Assembly Bill 461	203	April 27, 1990
Assembly Bill 503	204	April 27, 1990
Assembly Bill 609	205	April 27, 1990
Assembly Bill 822	206	April 27, 1990
Assembly Bill 836	207	April 27, 1990
Assembly Bill 889	208	April 27, 1990
Assembly Bill 107	218	April 27, 1990
Assembly Bill 168	219	April 27, 1990
Assembly Bill 264	220	April 27, 1990
Assembly Bill 424	221	April 27, 1990
Assembly Bill 435	222	April 27, 1990
Assembly Bill 469	223	April 27, 1990
Assembly Bill 555	224	April 27, 1990
Assembly Bill 558	225	April 27, 1990
Assembly Bill 648	226	April 27, 1990
Assembly Bill 839	227	April 27, 1990

Bill or Res. No.	Enrolled No.	Publication date
Assembly Jt. Res. 19	56	Not published
Assembly Jt. Res. 22	57	Not published
Assembly Jt. Res. 38	58	Not published
Assembly Jt. Res. 77	59	Not published
Assembly Jt. Res. 80	60	Not published
Assembly Jt. Res. 99	61	Not published
Assembly Jt. Res. 106	62	Not published
Assembly Jt. Res. 107	63	Not published
Assembly Jt. Res. 111	64	Not published
Assembly Jt. Res. 112	65	Not published
Assembly Jt. Res. 115	66	Not published
Assembly Jt. Res. 116	67	Not published
Assembly Jt. Res. 117	68	Not published
Assembly Jt. Res. 120	69	Not published
Assembly Jt. Res. 121	70	Not published
Assembly Jt. Res. 124	71	Not published
Assembly Jt. Res. 127	72	Not published
Assembly Jt. Res. 128	73	Not published
Assembly Jt. Res. 132	74	Not published

Sincerely,
DOUGLAS La FOLLETTE
Secretary of State

March 9, 1990

Mr. Thomas Melvin
Assembly Chief Clerk
1 East Main, Ste. 402
Madison, Wisconsin 53702

Dear Tom:

I am pleased to transmit to you the following report to the 1989 Legislature on legislation introduced by the Legislative Council:

RL 89-20 Legislation on Drug Law Enforcement
(1989 Assembly Bill 909)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available, on request, in the Legislative Council offices, One East Main, Suite 401.

Sincerely,
DOUGLAS La FOLLETTE
Secretary of State

Sincerely,
DAVID J. STUTE
Director

JOURNAL OF THE ASSEMBLY [April 27, 1990]

March 20, 1990

Mr. Thomas Melvin
Assembly Chief Clerk
1 E. Main, Ste. 402
Madison, Wisconsin 53702

Dear Tom:

I am pleased to transmit to you the following report to the 1989 Legislature on legislation introduced by the Legislative Council:

RL 89-21 Legislation on Marital Property Implementation
(1989 Assembly Bills 965 and 935)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available, on request, in the Legislative Council offices, One East Main, Suite 401.

Sincerely,
DAVID J. STUTE
Director

March 29, 1990

Thomas Melvin
Assembly Chief Clerk
Suite 402, 1 East Main St.
Madison, WI 53702

Dear Tom:

Attached in accordance with the provisions of Section 101.35(12) of the statutes is the annual report of the Department of Industry, Labor and Human Relations on the Wisconsin Job Opportunity Business Subsidy Program (WisJOBS). This report is to be distributed under s. 13.172(2).

In summary, the report shows that in its first full year of operations, WisJOBS placements, wages, participant demographics, and employer demographics are generally in line with the goals established for the program.

Sincerely,
GERALD WHITBURN
Secretary

April 9, 1990

Thomas Melvin
Assembly Chief Clerk
P.O. Box 8952
Madison, WI 53708

Dear Mr. Melvin:

Attached you will find a copy of County Board Resolution No. 90-178, which was adopted by the full County Board on March 15, 1990.

It is being sent to you per the directive in the resolution.

Sincerely,
ROD LANSER
County Clerk

April 17, 1990

Thomas Melvin
Assembly Chief Clerk
State Capitol
Madison, WI 53702

To the Honorable the Assembly:

I am pleased to provide you with the accompanying report of the State of Wisconsin Ethics Board's activities for the years July 1987 through June 1989. This report contains both the text and a general description of Wisconsin's Ethics Code and identifies the positions to which it applies. It also summarizes the advisory opinions issued by the Board during the past two years.

If any member of the Senate would like to receive a copy they should call or write the Ethics Board.

Sincerely,
R. ROTH JUDD
Executive Director